

ORDINANCE NO. 85-17

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO
AN AGREEMENT TO PURCHASE REAL ESTATE LOCATED
AT 36675 DETROIT ROAD (STATE ROUTE 254) IN THE CITY OF AVON
PERMANENT PARCEL NOS. 04-00-010-119-100 & 04-00-010-119-066 FROM
THE GARDENLAND DEVELOPMENT CORPORATION
AND DECLARING AN EMERGENCY**

WHEREAS, as the City continues to grow so does its need to acquire additional lands for public use; and

WHEREAS, the Mayor seeks authorization from Council to enter into a Purchase Agreement with Gardenland Development Corporation (Ted and Jim Forthofer) for the purchase of two parcels of land, one approximately 1.0667 acres and the other approximately 0.5049 acres both of which are located at 36675 Detroit Road in the City of Avon; and

WHEREAS, Council has had an opportunity to meet with the Mayor and discuss the purchase of the subject properties, including the terms of the transaction as set forth in the proposed Purchase Agreement; and

WHEREAS, Council deems it to be in the best interests of the health, safety and welfare of the community that the City acquire the land being offered for sale at 36675 Detroit Road for use as public property.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON, COUNTY OF LORAIN AND STATE OF OHIO:

Section 1 - That the Mayor is hereby authorized to enter into a Purchase Agreement with Gardenland Development Corporation (Ted and Jim Forthofer) to acquire two parcels of land located at 36675 Detroit Road in the City of Avon, one being Permanent Parcel No. 04-00-010-119-100 (1.0667 acres) and the other being Permanent Parcel No. 04-00-010-119-066 (0.5049 acres). Said Agreement is attached hereto as Exhibit A and incorporated herein by reference.

Section 2 - Council hereby authorizes the transfer of funds from the General Fund No. 101 to the 36675 Detroit Road Purchase Fund No. 485 in an amount equal to that set forth in the Purchase Agreement. Payment is to be made pursuant to directives of the Finance Director from 36675 Detroit Road Purchase Fund No. 485. Further, the Finance Director is authorized to increase the appropriation by a reasonable amount to cover any engineering, legal and closing fees associated with this purchase.

Section 3 - That it is found and determined that all formal actions of the Council of the City of Avon concerning and relating to the adoption of this Ordinance were taken in an open meeting of the Council of the City of Avon and that all deliberations of this City's Council and any of its committees that resulted in those formal actions were in meetings open to the public, or otherwise in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4 - That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, safety and welfare of the citizens of the City of Avon, the immediate emergency being the necessity for the City to acquire additional land for public use; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Craig Witherspoon, Council President

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Barbara Brooks, Clerk of Council

Posted: _____
In Five Places as
Provided by Council

Prepared By:

John A. Gasior, Esq.
Law Director, City of Avon